

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

HANNAH SABATA, et al.,

Plaintiffs,

v.

**NEBRASKA DEPARTMENT OF
CORRECTIONAL SERVICES,
et al.,**

Defendants.

Case No. 4:17-CV-3107

**MOTION FOR PARTIAL
SUMMARY JUDGMENT AND
REQUEST FOR ORAL ARGUMENT**

COME NOW Defendants, Nebraska Department of Correctional Services, Scott R. Frakes (in his official capacity as Director of the Nebraska Department of Correctional Services), Harbans Deol (in his official capacity as Director of Health Services of the Nebraska Department of Correctional Services), Nebraska Board of Parole, and Julie Micek (in her official capacity as the Board of Parole Acting Administrator), and move for partial summary judgment, pursuant to Fed. R. Civ. P. 56 and NECivR 56.1.

Defendants assert there are no genuine issues as to any material fact regarding Plaintiffs' failure to exhaust administrative remedies as required by 42 U.S.C. 1997(e) and Defendants are entitled to judgment as a matter of law.

Defendants request oral argument on this motion because this motion bears a likelihood to be dispositive of a majority of the case, is fact intensive, and Defendants believe the Court would benefit from being able to address with counsel any specific

questions it has regarding those facts. Defendants estimate oral argument should last no more than one hour.

Submitted July 27, 2018.

**NEBRASKA DEPARTMENT OF
CORRECTIONAL SERVICES,
SCOTT FRAKES, HARBANS DEOL,
NEBRASKA BOARD OF PAROLE, and
JULIE MICEK,
Defendants.**

By: DOUGLAS J. PETERSON
Attorney General of Nebraska

s/ Danielle L. Jones
DANIELLE L. JONES, #25505
RYAN S. POST, #24714
DAVID A. LOPEZ, #24947
JESSICA M. FORCH, #24912
KATHERINE O'BRIEN, #25993
Assistant Attorneys General

OFFICE OF THE ATTORNEY GENERAL
2115 State Capitol
Lincoln, Nebraska 68509
(402) 471-2682
Danielle.Jones@nebraska.gov

Attorneys for Defendants.

CERTIFICATE OF SERVICE

I hereby certify that on July 27, 2018, I electronically filed the foregoing document with the Clerk of the United States District Court for the District of Nebraska, causing notice of such filing to be served upon all parties registered on the CM/ECF system.

By: s/ Danielle L. Jones